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Bonn, 28 July - 5 August 1997
Item 10 of the provisional agenda

MECHANISMS FOR CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

Note by the secretariat

I. INTRODUCTION

A. Mandate

1. In its decision 6/C.P.1, annex III, the Conference of the Parties (COP) decided on the organization of a workshop which should discuss the need for, and possible scope, structure, membership and work plans of non-governmental advisory committees and/or a business consultative mechanism and report recommendations to the COP at its second session (FCCC/CP/1995/7/Add.1).

2. Such a workshop was held on 2 March 1996. Its report was presented in document FCCC/SBSTA/1996/11. At its third session, the Subsidiary Body for Scientific and Technological Advice (SBSTA) welcomed the contributions made at this workshop and noted that consensus on mechanisms for consultation had not been reached among non-governmental organizations (NGOs) participating in the workshop. The SBSTA proposed that, for the time being, emphasis should be given to improving existing consultative processes (FCCC/SBSTA/1996/13, para. 50 (c)).

3. In light of the above, the SBSTA proposed that the secretariat explore further with non-governmental groups current mechanisms and procedures for consultation, with a view to establishing how they might be made more efficient. The conclusions of the SBSTA on this matter envisaged that it could consider at its fourth session a paper prepared on this basis,

with the aim of reaching a conclusive decision on the creation of a consultative mechanism (FCCC/SBSTA/1996/13, para. 50 (d)).

4. The secretariat was unable to submit such a paper to the fourth or the fifth sessions of the SBSTA. The subject of the paper was on the agenda of the fifth session, and deep regret at this delay was expressed. The sentiment was shared by the secretariat. On that occasion, the SBSTA also invited the Subsidiary Body for Implementation (SBI) to take over the consideration of this matter (FCCC/SBSTA/1997/4, para. 37). The present note responds to the request of the SBSTA and is submitted to the SBI, in accordance with the guidance of that body.

B. Scope

5. The non-governmental community that participates in the Convention process is large, and diverse in its interests and opinions. Eliciting views in a systematic manner, as a basis for the present note, was not a simple task. In attempting to do so, the secretariat focused its consultations on the three main non-governmental constituencies that have so far emerged from the Convention process. These are business and industry organizations, environmental groups, and local government and municipal authorities.

6. In exploring the basis for this paper, the secretariat enlisted the help of the Global Environment Information Centre (GEIC) - a joint project of the United Nations University and the Environment Agency of Japan. A report on the consultations undertaken by the GEIC was the principal input to this paper. It will be distributed as FCCC/SBI/1997/Misc. 6 (English only). However, the secretariat has exercised its judgement in drawing upon the range of proposals and has supplemented that report by some further exchanges with non-governmental representatives.

7. This paper advances a number of proposals which have emerged from the above-mentioned consultations accompanied by comments from the secretariat. While the proposals reflect many commonalities, there are also many differences. There is clearly a common interest in all quarters of the non-governmental community to communicate their expertise and information to the Parties, as well as their "unfiltered" views on the range of political, socio-economic and technological issues that are addressed under the UNFCCC. However, the proposals differ greatly in the breadth of support which they command among non-governmental organizations and the extent to which they cut across constituency boundaries. The present paper responds to the request of the SBSTA and is submitted to the SBI, in accordance with the guidance of that body.

8. The proposals in this paper are organized under two main headings. Some of these envisage the improvement of existing mechanisms for consultation and relate mainly to better access to the Convention process, while others seek to establish new mechanisms. Broadly speaking, the proposals in the first category could be implemented without significant additional costs to the secretariat. Those in the second category would require some staff

and/or other resources to supplement those requested in the core budget of the secretariat in 1998-99. If any of the latter proposals were to be pursued, additional funding would have to be sought through the Trust Fund for Supplementary Activities.

9. In addition to these proposals, the exercise mandated by the SBSTA has generated some reflection within the secretariat on the principles of the relationship between the Parties and the NGOs. These thoughts are conveyed in a note by the Executive Secretary, as an addendum to the present document (FCCC/1997/SBI/1997/14, Add.1).

C. Possible action by the SBI

10. The Subsidiary Body for Implementation (SBI) is invited to consider the proposals in this paper. It may wish to give guidance on the pursuit of these proposals by the secretariat and their non-governmental proponents, and also, as appropriate, to invite the COP Bureau and or other subsidiary bodies to act upon them. In doing so, it should bear in mind the staffing and financial implications of some of these proposals.

11. The SBI may also wish to discuss the issues raised in the addendum to this note and consider whether the ideas therein need further elaboration, with a view to possible action by COP 3.

II. IMPROVEMENT OF EXISTING MECHANISMS

A. Access by NGOs to meetings of Convention bodies

12. A number of NGOs have requested improved access to the floor during meetings of Convention bodies, following the practice in the SBSTA. They also seek the opportunity to intervene in the discussion of specific agenda items. Some have also requested access to informal negotiating meetings.

13. Currently, NGO representatives are regularly invited to make general statements to plenary meetings of Convention bodies. Otherwise, they are not normally given access to the floor of a conference room when a meeting is in progress. This separation, initiated by the Bureau at COP 1, was originally inspired by the perception that access by NGOs to delegations during meetings could be abused. The Bureau envisaged, however, that each Chairperson could exercise discretion in granting access.

14. Subsequently, the Chairman of the SBSTA, with the concurrence of that body, has decided that the three NGO constituencies mentioned in paragraph 5 above can have a seat with a nameplate, on the floor of that body, and has allowed interventions on specific point of its agenda.

15. Access to negotiating meetings, such as informal consultations or contact groups is also left to the discretion of the respective Chairpersons. Currently, observers, including NGOs, are not given access to such meetings. This practice corresponds to the conventional view that observer organizations do not have a negotiating role in an intergovernmental process. As in the case of access to the floor, this view was fortified by concerns that the presence of observers in a negotiating room could interfere with the negotiating process.

16. In seeking information on relevant practice within the Intergovernmental Panel on Climate Change (IPCC), the secretariat has been informed that observers, subject to the discretion of the Chairman, are allowed to intervene as experts on matters of direct relevance to an agenda item. However, they are not allowed to intervene during the approval of technical reports nor in their adoption.

17. The SBI may wish to consider whether it would be desirable that the practice instituted in the SBSTA be generalized, regarding seating and interventions in the discussion of specific agenda items. In this case, the Chairman of the SBI could advise the COP Bureau accordingly, and, meanwhile, propose that the SBI adopt that practice itself. This would respond to the request for better access to the floor and to discussion, but not to the request for access to negotiations.

B. Access by NGOs to documentation

18. A number of NGOs highlighted the need for the timely provision of official documents and other information in print and in electronic form.

19. In response to this, the secretariat could send to the coordinator of each identified NGO constituency one set of all official documents in the original language, in print and/or electronic versions, for further dissemination within the constituency. The efficacy of this service would depend on the clear identification of the channels of communications. Its costs could be absorbed by the secretariat, as long as the number of NGO constituencies remained small.

20. The SBI may wish to endorse this suggestion and give guidance on the identification of NGO constituencies for this purpose.

C. Participation by NGOs in national processes

21. Some environmental NGOs, citing chapter 27 of Agenda 21, have stressed the importance of establishing or enhancing mechanisms and procedures to draw on their expertise and views in policy and programme design, implementation and evaluation. They envisage for themselves a political role, through inclusion in national delegations, and a role as experts, through participation in the in-depth reviews of national communications as well as in national capacity building programmes in non-Annex I Parties. The local authorities constituency stated its readiness to assist Parties in the assessment and monitoring of

greenhouse gas emissions, based on its experience with the implementation of innovative policies and measures for the reduction of such emissions.

22. The inclusion of NGO representatives in national delegations, and their participation as experts in national climate programmes, in-depth reviews and capacity building, is not a novelty. These are matters on which NGOs should seek action by Parties in the countries in which they operate. The SBI may wish to consider whether it should encourage such action.

D. Broader participation in the Convention

23. Both the environmental and the business and industry constituencies have urged broader participation of different economic interests, which could benefit the Convention and its implementation. A few NGOs from the business and industry constituency specifically stressed the need to encourage the participation of all sectors of business, industry, labour and agriculture from both Annex I and non-Annex I Parties. A few NGOs envisaged a possible funding mechanism or arrangement for this purpose.

24. While access to broader participation is open, there is no Convention funding available to finance it. The SBI may wish to seek further views from NGOs and from Parties as to the feasibility of such funding.

III. POSSIBLE NEW MECHANISMS

A. Business Consultative Mechanism

25. The business and industry constituency, which also includes private sector financial institutions, has reached a consensus in favour of the improvement of current consultation mechanisms with Parties through the establishment of a "Business Consultative Mechanism" (BCM). This consensus was evident at the March 1996 workshop (see Principles in annex I of FCCC/SBSTA/1996/11) and confirmed by subsequent consultations. This mechanism is seen as further enhancing the ability of these NGOs to provide the full range of their "unfiltered" views on the various issues under consideration in the Convention bodies.

26. Essentially, the BCM would be built around two focal points, one in the business and industry constituency and one in the secretariat. These would communicate with each other and constitute the channel for requests for information from the Parties to this constituency, and for responses to such requests from the constituency. The secretariat would distribute this information to all Parties in a suitable format, subject to some limits on the volume of material to be transmitted via this mechanism. The business and industry NGOs would bear the costs of supplying information to the Parties, while the Parties would assume the costs of its distribution by the secretariat.

27. The provision of an active secretariat focal point for the BCM, as well as the dissemination of material, are not provided for in the proposed programme budget for 1998-1999 and would require supplementary funding.

B. Soliciting NGO Views

28. Some environmental NGOs have requested that their views be solicited formally whenever governments are invited to submit their views to Convention bodies.

29. The general practice hitherto has been for Convention bodies to solicit submissions from Parties and for the secretariat to compile and circulate them without translation, in "Miscellaneous" documents. The AG13 departed from this practice in the exploratory phase of its work by seeking inputs from observer organizations as well. Occasional submissions by NGOs have been drawn to the attention of the Convention bodies but not reproduced by the secretariat. The systematic soliciting of views from NGOs would add a new dimension to an established practice.

30. This request raises the question of whether Parties wish to seek the views of NGOs routinely, in a formal manner. The question is, of course, addressed to all Convention bodies. The SBI may wish to consider the merits of the question and advise other bodies, through the COP Bureau, of its conclusion.

31. If the answer to the question is positive, it would be economical to implement this by soliciting a consolidated view from each identified NGO constituency. It would be up to each constituency coordinator to assemble and reconcile views into one submission. Even so, it might be prudent to set a limit on the length of such submissions. The secretariat would need guidance from the SBI on the constituencies from which views should be sought.

C. Policy Dialogue Forums

32. A few environmental NGOs suggested that the secretariat organize and host "policy dialogue forums" on themes that would help advance the implementation of the Convention. Such forums would be open to government delegates and representatives of observer organizations participating in their personal capacities. The aim would be to discuss specific issues on the agenda of the Convention bodies from the perspectives of the NGO constituencies, thereby providing alternative inputs into the Convention process.

33. If this were to be a regular activity of the secretariat, supplementary funding would be required.

34. The SBI is invited to express its views on this proposal.

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MECHANISMS FOR CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

Addendum

The participation of NGOs in the Convention process

Note by the Executive Secretary

1. The exercise mandated by the Conference of the Parties (COP) and the Subsidiary Body for Scientific and Technological Advice (SBSTA) has generated some reflection within the secretariat on the relationship between non-governmental organizations (NGOs) and the Convention process, notably on the principles governing the participation of NGOs.

Conditions of access

2. Arrangements for the participation of relevant NGOs in the Convention process were first made at the first session of the Intergovernmental Negotiating Committee (INC I) and were worked out between the United Nations Secretariat and the delegation of the United States of America, as host, on the basis of paragraphs 2 and 19 of General Assembly resolution 45/212 of 21 December 1990. Subsequently, the management of arrangements for NGO accreditation became the responsibility of the *ad hoc* secretariat of the INC, which evolved into the Convention secretariat. Similarly, the responsibility for decisions on the participation of NGOs passed from the INC to the COP. The subsidiary bodies of the COP have adopted the practice of granting provisional admission to NGOs, subject to formal accreditation at the subsequent session of the COP.

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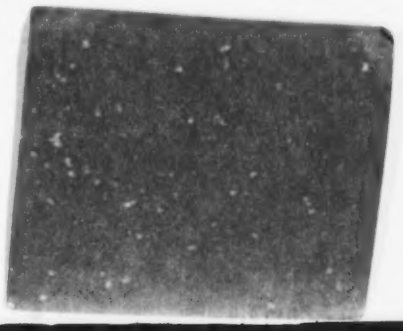

3. During the early years, some basic admission criteria were established. According to these, the secretariat seeks to establish that organizations to be accredited have activities of relevance to the Convention and are classed as "not-for-profit" (tax exempt) under the laws of their country of origin. Prior to COP 1, NGOs were requested to reconfirm their interest in continuing to participate in the Convention process; this resulted in the removal of some inactive names from the list.

4. Nevertheless, the conditions for admitting NGOs remain minimal, consistent with Article 7.6, which states that " ... Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention ..." may be admitted as an observer upon informing the secretariat of its wish to be represented. One third of the Parties present may bar such admission; this barrier has yet to be raised.

Constituencies

5. An important tool in the management of NGO participation, also dating back to INC 1, has been the recognition of "constituencies" of NGOs. Initially, there were two constituencies: business and industry being one and the environmental NGOs the other. Since then, a third group has gained recognition: local government and municipal authorities.

6. None of these constituencies is monolithic and different strands of opinion can be discerned within them. Moreover, other constituencies such as parliamentary associations, labour unions, faith communities and youth groups, regularly seek to present their views to Convention bodies and could claim their distinct niche in consultative arrangements. Thus, it may be considered that the present processes for bringing the views of NGOs into the Convention through the channel of constituencies do not always accommodate the diversity of groupings or of the opinions held.

Practical questions

7. In dealing with the accreditation and participation of NGOs, and advising Convention bodies and their presiding officers on these matters, the secretariat has had to deal with a number of situations to which responses have been improvised but never codified. Some of the questions which have arisen are:

(a) Whether to accredit separately organizations that are affiliates of others already accredited, for example, the regional branches of a global coalition, or trade unions that are linked to a national umbrella organization - itself affiliated to an international federation;

(b) Whether to provide for the expression of differing views from the same constituency, for example, the business and industry constituency; and

(c) Whether to register individual experts or researchers as observers in the NGO category.

8. In general, the secretariat's improvised responses have tended to generosity; the result is an open house with a rather flimsy structure. It is reasonable to expect that a more systematic approach to consultation, such as is sought in different ways by the NGOs, will require a more solid structure.

9. For example, if, as is proposed, the secretariat is to use constituencies and their coordinators as channels of communication, for itself and on behalf of the Parties, then the constituencies need to be identified (see document FCCC/SBI/1997/14, in particular, paragraphs 17, 19, 26 and 31). This should be done in a manner that responds to the needs of the Parties for consultation and technical inputs. The greater the number of constituencies thus recognized, the greater the work involved in communication with them; this may have budgetary implications for the secretariat.

Principles

10. Some questions of principle have also been generated by these reflections, and are outlined below.

11. Should the consultative process aim to incorporate interested individuals or representative organizations or both? If it is considered important that organizations be genuinely representative, should there be a more transparent procedure to ascertain and place on record the nature of participating NGOs: what are their aims, who are their members, and by whom are they funded? Such transparency is the norm in the United Nations system and is often required by national legislation regulating the incorporation and activities of NGOs.

12. Also in line with practice in the United Nations system, should accreditation procedures require NGOs to declare support for the aims of the Convention, for example, its objective and principles, as set out in Articles 2 and 3? In national democratic processes, and even in corporate practice, diverse participation is encouraged on the assumption that it will contribute, through debate, to a set of broadly shared aims.

13. Should a greater effort be made to diversify the geographic sources of contributions by NGOs to the Convention process? This would require funding for participation, as proposed by NGOs themselves. In addition, should Parties with important non-governmental lobbies at work be encouraged to engage in debate with them at the national or regional level, so that the interaction between NGOs and the Convention process might be more representative of the global interests at play? For background to these questions, it may be noted that, of the nearly 240 NGOs currently accredited to participate in the Convention process, 55 per cent have addresses in States members of the European Community, 21 per cent in the USA, 15 per cent in other Annex II Parties and 9 per cent in developing countries. Only one accredited NGO is located in an Annex I Party with an economy in transition.

14. If accreditation under Article 4.6 were to be limited to organizations, should separate arrangements be made for the attendance of interested individuals such as experts and researchers, as observers, without the opportunity to take part in the proceedings? Would a distinction need to be made between an academic researcher and one from a commercial research organization?

15. What is the value of the "not-for-profit" criterion when a legitimate purpose of the business and industry NGOs is to defend and advance the interests of the enterprises that they represent? Would the COP consider admitting corporations under Article 7.6, or at least consulting directly with them, so as to have better access to their "unfiltered" views? It may be recalled that the original proposal from New Zealand for a business consultative mechanism envisaged such direct consultations.

16. These questions, as well as those raised in the preceding paragraphs of this addendum, are not unique to the Convention process and have been addressed elsewhere in the United Nations system (see, for example, Economic and Social Council (ECOSOC) resolution 1196/31 of 25 July 1996). Nevertheless, it is for the Parties to the Convention to decide with whom they wish to consult and whether they are satisfied with the present arrangements for accreditation and consultation or if they would prefer a more structured approach. Now that the Convention process has matured further, it may be timely for the Parties to address these important issues. The secretariat is ready to assist the Parties in doing so.

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ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS

Amendments to the Convention or its Annexes

Letters from the Islamic Republic of Pakistan, the Azerbaijan Republic, the Netherlands (on behalf of the European Community and its Member States) and Kuwait proposing amendments to the Convention or its Annexes

Note by the secretariat

1. The procedures for amending the Convention and its Annexes are contained in Articles 15 and 16. Article 15.1 provides that: "Any Party may propose amendments to the Convention" and Article 15.2 provides that "Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary". Article 16 relates, *inter alia*, to the amendment of Annexes by application of the procedure set out in Article 15.

2. In accordance with these provisions, four Parties have submitted proposals to amend the Convention or its Annexes.

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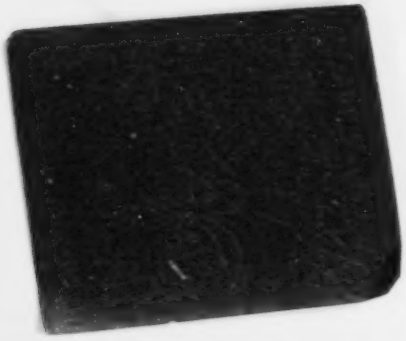

3. Pakistan and the Azerbaijan Republic, by submissions dated 21 and 28 May 1997, respectively requested the deletion of the name of Turkey from the list of Parties included in Annexes I and II to the Convention. The proposal from Pakistan makes reference to Articles 4.2(f), 15.2 and 16.2, that from Azerbaijan is made in the context of Article 4.2(f). The latter provides for the Conference of the Parties (COP) to review available information not later than 31 December 1998 with a view to taking decisions regarding amendments to the lists in Annexes I and II of the Convention. On 29 May 1997, the secretariat sent a "note verbale" containing these proposals to all Parties and signatories to the Convention and to their Embassies in Bonn. Attached to the "note verbale" was the full text of the note from Pakistan, the "note verbale" from the Azerbaijan Republic was identical in substance.

4. The Netherlands on behalf of the European Community and its member States submitted a proposal dated 28 May 1997 to amend Article 17 of the Convention. This proposal was sent out in a note verbale dated 29 May 1997.

5. Kuwait on 2 June 1997 submitted a proposal to amend Article 4.3 of the Convention. This proposal was sent out in a note verbale dated 4 June 1997.

6. All the proposals were transmitted to the Parties and the signatories in the original languages only, with a note stating that the full texts of the proposals would be translated and circulated in all languages as soon as possible.

7. The Subsidiary Body for Implementation (SBI) may wish to advise on the appropriate subsidiary body that could consider the amendments and make the necessary recommendations to the COP.

Letter dated 21 May 1997 from the Ministry of Foreign Affairs of the Islamic Republic of Pakistan to the Executive Secretary, transmitting a note on the deletion of the name of Turkey from Annexes I and II to the Convention

The Islamic Republic of Pakistan, on the request of the Republic of Turkey and pursuant to Article 4.2(f) of the Convention on Climate Change, has the honour to request the deletion of the name of the Republic of Turkey from the First and Second Annexes of the United Nations Framework Convention on Climate Change, based on Article 15.2 and 16.2. We would appreciate if this request is kindly communicated to the State Parties urgently, so that it could be taken up for favourable consideration at the 3rd Conference of the Parties to be held in Kyoto, Japan.

A Note on the subject is enclosed.

Please accept, Excellency, the assurances of my highest consideration.

(Signed)

(Anwar Kamal)
Additional Secretary (UN)

PAKISTAN: NOTE ON THE DELETION OF TURKEY FROM ANNEXES I AND II TO THE CONVENTION

1. As it is known, the Republic of Turkey, though not a Party to the United Nations Framework Convention on Climate Change (UNFCCC), is placed in the Annexes I and II of the said Convention. The Islamic Republic of Pakistan, due to the reasons explained in the following, demands the deletion of the name of the Republic of Turkey from the aforementioned annexes according to the Article 4.2(f) with a consequent end of its becoming a Party to the Convention. It further considers that the Third Conference of the Parties (COP III), to be held in December 1997 in Kyoto, Japan will constitute an appropriate forum for the finalization of this demand.

2. Turkey's statements presented during the meetings of the INC/FCCC process between 1992 and 1995, have been included in the secretariat documents five times (Enc I). Turkey declared its demand in the COP 1 in 1995, held in Berlin. This statements was published as a conference document dated 6 April 1995 and numbered FCCC/CP/1995/MISC.5 (Enc II).

3. The Islamic Republic of Pakistan wishes to stress that Turkey, though in complete agreement with the idea and understanding of the Convention, regrets not being able to sign the FCCC due to her inclusion in the annexes, as a "developed" country. Such a classification is not compatible with the UN Human Resources Development Report 1996 which considers Turkey as a "medium developed country" and hence places it as the 84th in the development rov. Furthermore, Turkey is acknowledged as a developing country in the Montreal (ozone) Protocol.

Some basic and comparative figures about Turkey related to the context of the UNFCCC are as follows:

- GNP per capita: Turkey's is roughly 2,700 US Dollars.

- Anthropogenic emissions in general and per capita: Turkey's 153 million tons of CO_2 as of 1993 is about one tenth of Annex II countries average. Turkey had 2.6 tons of CO_2 per capita in 1993.

- Consumption of energy per capita: Turkey's per capita electric consumption is approximately 1300 Kwh/year which is about the fifth of the OECD and one fourth of the EU average.

Thus, it is evident that Turkey's contribution to global warming is just a fraction of the average of the Annex countries. In figures, 1.42% of total OECD energy-related CO_2 or 0.67% of total world CO_2 from energy.

4. As it will be recalled, paragraphs 1 and 2 of Article 3 of the Convention, respectively stipulate the following:

> "The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof".

> "The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and to the adverse effects of climate change, and to those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration".

These paragraphs clearly foresee the economic situation of the countries and the needs of their people are to be taken into consideration and the obligations are to be shared on the basis of the principle of a fair and equitable differentiation, while fulfilling the objectives of the Convention.

5. Furthermore, Article 1.1(c) and (d) of the Berlin Mandate state that:

> "The legitimate needs of the developing countries for the achievement of sustained economic growth and the eradication of poverty, recognizing also that all Parties have a right to, and should, promote sustainable development ... ".

> "The fact that the largest share of historical and current global emission of greenhouse gases has originated in developed countries, that the per capita emission in developing countries are still relatively low and that the share of global emission originating in developing countries will grow to meet their social and development needs ... ".

In these two paragraphs, with a particular emphasis on the right to development for the developing countries, it is recognized that programmes, which meet the economic needs of such countries, will continue to be implemented.

6. In the light of the above rules, the Islamic Republic of Pakistan believes that Turkey's demand deserves due consideration, in order to fulfil its obligations both for development of its economy, and for the implementation of the Convention.

Furthermore, it is noteworthy that Turkey, being aware of the fact that increase in the level of the global emissions of the greenhouse gases constitutes a threat to the future of the humankind, and that this situation affects especially the developing countries, has already been taking measures foreseen in the Convention to the extent possible.

7. Finally, Turkey has declared that there will be no impediment for its accession to the Convention following its exclusion from the Annexes.

8. Based on the above mentioned argumentation, the Islamic Republic of Pakistan, a Party to the UNFCCC, requests the secretariat, in accordance with paragraph 4.2(f) of the said Convention, to take the necessary steps to delete the name of the Republic of Turkey from Annexes I and II to the Convention and duly put this matter under the relevant Agenda item of the third session of the Conference of the Parties to be held in Kyoto, Japan in December 1997. Furthermore, the Islamic Republic of Pakistan kindly asks the secretariat to bring this letter to the attention of all Parties, in conformity with the rules of the Convention.

Note dated 28 May 1997 from the Embassy of the Azerbaijan Republic in the Federal Republic of Germany to the secretariat, transmitting a proposal to delete the name of Turkey from Annexes I and II to the Convention

The Embassy of the Azerbaijan Republic in the Federal Republic of Germany presents its compliments to the Secretariat of the UN Framework Convention on Climate Change and has the honour to forward the attached text of the address of the Azerbaijan Republic to all Parties to the Convention.

The Embassy of the Azerbaijan Republic in the Federal Republic of Germany avails itself of this opportunity to renew to the Secretariat of the UN Framework Convention on Climate Change the assurances of its highest consideration.

Enclosure: 3 pages

(Stamped)
Bonn, May 28, 1997

Embassy of the Azerbaijan Republic

THE REPUBLIC OF AZERBAIJAN: NOTE ON THE DELETION OF THE NAME OF TURKEY FROM ANNEXES I AND II TO THE CONVENTION

1 As it is known, the Republic of Turkey, though not a Party to the United Nations Framework Convention on Climate Change (UNFCCC), is placed in the Annexes I and II of the said Convention. The Republic of Azerbaijan, due to the reasons explained in the following, demands the deletion of the name of the Republic of Turkey from the aforementioned annexes according to the Article 4.2(f) with a consequent end of its becoming a Party to the Convention. It further considers that the Third Conference of the Parties (COP III), to be held in December 1997 in Kyoto, Japan will constitute an appropriate forum for the finalization of this demand.

2. Same as in the Pakistan text.

3. The Republic of Azerbaijan wishes to stress that Turkey, though in complete agreement with the idea and understanding of the Convention, regrets not being able to sign the FCCC due to her inclusion in the annexes, as a "developed" country. Such a classification is not compatible with the UN Human Resources Development Report 1996 which considers Turkey as a "medium developed country" and hence places it as the 84th in the development row. Furthermore, Turkey is acknowledged as a developing country in the Montreal (ozone) Protocol.

The rest of this paragraph is the same as in the Pakistan text.

4. Same as in the Pakistan text.

5. Same as in the Pakistan text.

6. In the light of the above rules, the Republic of Azerbaijan believes that Turkey's demand deserves due consideration, in order to fulfil its obligations both for development of its economy, and for the implementation of the Convention.

Same as in the Pakistan text.

7. Same as in the Pakistan text.

8. Based on the above mentioned argumentation, the Republic of Azerbaijan, a Party to the UNFCCC, requests the secretariat, in accordance with paragraph 4.2(f) of the said Convention, to take the necessary steps to delete the name of the Republic of Turkey from Annexes I and II to the Convention and duly put this matter under the relevant agenda item of the third session of the Conference of the Parties to be held in Kyoto, Japan in December 1997. Furthermore, the Republic of Azerbaijan kindly asks the secretariat to bring this letter to the attention of all Parties, in conformity with the rules of the Convention

Letter dated 28 May 1997 from the Netherlands, on behalf of the European Community and its Member States, to the Executive Secretary transmitting a proposal to amend Article 17 of the Convention

With reference to article 15 of the Convention, the Netherlands, on behalf of the European Community and its Member States, has the pleasure to submit herewith a proposal for an amendment to Article 17 of the Convention.

The text of this amendment should be added as a new paragraph after "Convention" in Article 17 1 of the UN Framework Convention on Climate Change (article 17 1 (bis)).

The Netherlands is aware of the short notice of this submission, but it would highly appreciate if the secretariat could communicate the enclosed text of this proposal to the Parties before June 1st 1997, in accordance with paragraph 2 of Article 15 of the Convention. For this purpose our submission has been already translated in the six UN languages.

(Signed)
The Hague, May 28, 1997

(Dr. Bert Metz)
Deputy Director, Air and Energy
Ministry of Housing, Spatial Planning and the Environment

NETHERLANDS (ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS MEMBER STATES): PROPOSED AMENDMENT TO ARTICLE 17 OF THE CONVENTION

The following paragraph shall be added after "Convention" in Article 17.1 of the UN Framework Convention on Climate Change

Article 17.1 (bis)

> The Parties shall make every effort to reach agreement on any proposed protocol to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the protocol shall as a last resort be adopted by a three fourths majority of the Parties present and voting at the meeting. This paragraph shall be applied provisionally, pe...ng its entry into force in accordance with Article 15.

Letter dated 2 June 1997 from the State of Kuwait to the Executive Secretary, transmitting a proposal for an amendment to Article 4, paragraph 3 of the Convention.

Kindly find the proposal of Kuwait for an amendment to Article 4, paragraph 3 of the United Nations Framework Convention on Climate Change (UNFCCC), (the "Convention") as given below on page 2.

We propose that this amendment be adopted at one of the meetings of the third session of the Conference of the Parties (the "COP"), scheduled to be held in Kyoto, Japan during the period December 1 through 10, 1997.

It would be appreciated if you kindly communicate this proposed amendment immediately to all Parties to the Convention, as well as to the signatories to the Convention and, for information, to the Depositary, in accordance with Article 15, paragraph 2 of the Convention.

As you recall, Article 15, paragraph 2 of the Convention states that amendments to the Convention shall be adopted at an ordinary "session" of the COP and that the text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the "meeting" at which it is proposed for adoption. Since, under the established practice of the COP and its subsidiary bodies, "meetings" of those bodies may be, and are, held at multiple times during the course of a "session", there should be no difficulty in consideration and adoption of this proposed amendment during the course of the third session of the COP if the secretariat will immediately undertake the communication required by Article 15, paragraph 2.

Specifically, we request that the proposed amendment to be communicated to the Parties and others, as required by Article 15, paragraph 2 of the Convention, immediately, but in no event later than June 9, 1997 or such earlier date as may be required, pursuant to the Convention, to enable its adoption at the third session of the COP.

Kindly accept my sincere appreciation for your assistance in this regard.

(Signed) June 2, 1997

(Abbas A. Naqi)
Assistant Under-Secretary
Chairman of the National Climate Change Committee
State of Kuwait

KUWAIT: PROPOSED AMENDMENT TO ARTICLE 4, PARAGRAPH 3 OF THE CONVENTION

The State of Kuwait, a Party to the United Nations Framework Convention on Climate Change (the "Convention"), proposes pursuant to Article 15 of the Convention, to amend paragraph 3 of Article 4 of the Convention by deleting the second sentence thereof and substituting in lieu thereof the following sentence:

> "They also shall provide such financial resources, including for the transfer of technology, as the Conference of the Parties may decide from time to time is needed by the developing country Parties to meet the full incremental costs of formulating, taking, and implementing measures that are covered by paragraph 1 of this Article or that otherwise may be necessary to enable developing country Parties to comply with their obligations set forth in this Convention or in any protocol to this Convention, as either may be amended from time to time."

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